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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**GREGG WAGNER, ET AL.**

Serial No.: **09/113,446**

Filed: **07/10/1998**

For: **HOUSING FOR PORTABLE HANDHELD ELECTRONIC DEVICE**

Art Unit: **3637**

Examiner: **Gerald A. Anderson**

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Mail Stop: Non-Fee Amendment

Dear Sir:

This is in response to the outstanding Office Action mailed April 2, 2003. Applicant respectfully requests reconsideration based on the following remarks.

Claims 6-11 remain in the application. Claims 6-8 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al in view of Shepard et al and Pitel. There are no stated grounds for rejecting claims 9 and 10 and, accordingly, Applicant understands that these claims recite patentable subject matter and would be allowed if re-written in independent form including all of the limitations of the base claim and any intervening claims.

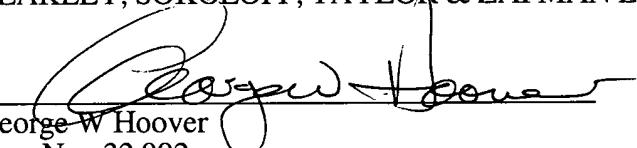
The Examiner's reliance on Shepard is misplaced. The Examiner acknowledges that Schmidt fails to show a one-piece, hollow body portion, but argues that Shepard teaches a body portion 14 that is molded as one piece from plastic material. This is not what Shepard teaches. Shepard states that the housing is preferably injection molded, but nowhere does the patent state that body portion 14 is molded as a single undivided piece. Indeed, if this were the case, there

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would be no way to install the various internal components as shown in Figures 3 and 4. The mere fact that Shepard does not explicitly show parting lines in the body portion does not allow one to infer that the body portion is molded as a single piece, especially when this would render the body portion unusable for its intended purpose. Thus, Shepard does not teach a one-piece, hollow body portion as recited in the rejected claims any more than does Schmidt. For the same reasons that the Board of Patent Appeals and Interferences declined to sustain the previous final rejection of the claims, the rejection of claims 6-8 and 11 under 35 U.S.C. § 103(a) should be withdrawn.

Respectfully submitted,

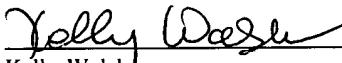
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

  
George W Hoover  
Reg. No. 32,992

Dated: June 25, 2003

12400 Wilshire Boulevard  
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Kelly Walsh      June 25, 2003  
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PTO/SB/21 (6/98)

Approved for use through 09/30/00 OMB 0651-0031

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3637

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

		Application Number	09/113,446
		Filing Date	07/10/1998
		First Named Inventor	GREGG WAGNER
		Group Art Unit	3637
		Examiner Name	GERALD A. ANDERSON
TOTAL NUMBER OF PAGES IN THIS SUBMISSION	4	Attorney Docket Number	003470.P005

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication Group
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> Request for Reconsideration (2 p.)  Postcard

#### Remarks

In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. 02-2666.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name **BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**  
George W Hoover, Reg. No. 32,992

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Signature

Date June 25, 2003

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